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February 17, 2020

Honorable James Orenstein
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Anna Doe v. City of New York*, et al.
18-CV-670 (ARR)(JO)

Dear Judge Orenstein:

This office represents the plaintiff. This letter is written to advise the court regarding the proposed pretrial order that was uploaded to ECF on Friday February 14, 2020 at 4:52 pm. The proposed joint pre trial order is not the product of a collaborative effort; as Patrick Carrol, attorney for defendants Hall and Martins, did not confer with the undersigned regarding the submission. I had last discussed that day the proposed joint trial order with Bilal Haider, attorney for the defendants City and Officer Greg Markov, and authorized him to upload the proposed joint pre trial order if there were no further changes. I had only seen defendants Hall and Martins Trial Memorandum after it was already uploaded. This was after business hours on Friday night. I had conducted a deposition on Friday afternoon and did not get back to my office until the evening. Mr. Carroll was carbon copied by email on every issue regarding the proposed joint pre trial order but he never contributed prior to the final submission. The only insertion for his clients regarding the proposed joint pre trial order was in the Friday February 14, 2020 upload at 4:52 pm. That was done without my knowledge or consent.

Plaintiff is not waiving any claim for assault, battery and sexual assault under New York State law against defendants Hall and Martin. At their civil depositions both former detectives asserted their rights under the Fifth Amendment to the Constitution and declined to answer when asked if they raped and/or sexually assaulted the plaintiff. Accordingly as this is a civil action, the strongest possible inference can be drawn against the former detectives on this issue. The defendants in their State Court criminal case plea on August 29, 2019 admitted to perpetuating sexual acts on the plaintiff. Plaintiff has always asserted that those sexual acts were done without her consent. Plaintiff has testified that she was raped. The plaintiff testified that she was stopped in Calvert Vaux Park in Brooklyn, N.Y., with two male companions by two of the individual defendants herein, namely Detective Richard Hall and Detective Eddie Martins. (Both detectives resigned from the police force following this incident.) Drugs were found in the car after the stop. Plaintiff testified the detectives forced her two male companions to leave the scene. Plaintiff testified that in the van she was raped and forced to perform oral sex by the two detectives. Accordingly, it is respectfully requested that the plaintiff be allowed to amend the proposed joint pre trial order to add assault, battery and sexual assault claims arising under New York . Thank you for any consideration you may give this application.

Very truly yours,

/s/ Michael N. David

MICHAEL N. DAVID

MND:lp